



MINUTES OF THE CITY COUNCIL AND THE COUNCIL SITTING AS THE REDEVELOPMENT AGENCY

WEDNESDAY, MAY 12, 2004

The regular meeting of the City Council, also sitting as the Redevelopment Agency, was called to order by Mayor/Chairman Stettler in the Council Chambers at 68-700 Avenida Lalo Guerrero, Cathedral City, California, on May 12, 2004 at 3:04 p.m.

ROLL CALL:

Present: Council Member/RDA/DTF Board Member Marchand, England
Mayor Pro Tem/RDA/DTF Board Member Pettis
Mayor/RDA/DTF Chairman Stettler

Absent: Council Member/RDA/DTF Board Member DeRosa

Council Member/RDA/DTF Board Member Marchand moved to excuse
Council Member/RDA/DTF Board DeRosa
Motion seconded by Council Member England. Motion carried 4-0.

Council Member DeRosa arrived at 3:13 p.m.

The Regular meeting began at 6:40 p.m. and was opened by Mayor/RDA/DTF Chairman Stettler. Council Member/RDA/DTF Board Member Marchand led the invocation, followed by The Flag Salute led by Council Member/RDA/DTF Board Member England.

CLOSED SESSION AGENDA:

1. CONFERENCE WITH LEGAL COUNSEL- ANTICIPATED LITIGATION
pursuant to Government Code Section 54956.9, Subd. (b) Number of Potential
Cases: 4
2. CONFERENCE WITH LABOR NEGOTIATOR pursuant to Government Code
Section 54957.6
Agency Negotiator: Donald Bradley, City Manager
Represented Employees: 1) Cathedral City Firefighters
Association (CCFFA); 2) Cathedral City
Police Officers' Association (CCPOA);
and 3) Cathedral City Public Safety
Management Association (CCPSMA)

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3. CONFERENCE WITH LEGAL COUNSEL REGARDING EXISTING LITIGATION pursuant to Government Code Section 54956.9, Subd. (k):
Case Name: Glenn Haas, Jeff Miller, Brian Hirzel and Cathedral City Police Officers Association vs. Cathedral City; Cathedral City Police Department; Stan Henry, Chief of Police; John Holcomb, Captain; Gregory J. Savelli, Lieutenant; Sandra Hatfield, Dispatch Supervisor, et al.
Case No.: United States District Court, Central District of California Case No. EDCV 02-965
4. CONFERENCE WITH LEGAL COUNSEL REGARDING EXISTING LITIGATION pursuant to Government Code Section 54956.9, Subd. (k):
Case Name: Scott Sharpe, Mark Fields, Rudy Salinas, Jay Horn, Karl Murashima, Owen Krings, Brian Hirzel, Albert Ruiz, Steve Williams, Paul Reindel, Glenn Haas, Nick Chapman, Gabriel Mendoza, Kelly Nava, Danny Anes, Dane Dickson, Mark Novy, Larry San Filipo, Jeremy Herrick, Ernie Vasquez, Tom Ferguson, Jon Enos, John Fox, Andy Diaz, Albert Ochoa, Dewayne Hodge vs. City of Cathedral City, a municipal corporation; Stan Henry, Chief of Police; Captain John Holcomb, Captain Kevin Conner and Lieutenant Al Reshaw in their individual capacity, and DOES 1 through 10, Inclusive
Case No.: United States District Court, Central District of California Case No. CV 04 02931 (VBKx)[Class Action] Complaint for Damages and Injunctive Relief Demand for Jury Trial
5. CONFERENCE WITH LEGAL COUNSEL REGARDING EXISTING LITIGATION pursuant to Government Code Section 54956.9, Subd. (a):
Case Name: Cathedral City vs. Valley Adult Books (Robert Smith)
Case No.: INC023638, consolidated with INC023660 and INC023568
6. CONFERENCE WITH REAL PROPERTY NEGOTIATOR pursuant to Government Code Section 54956.8. (**Paul Shillcock**)
Property Location: South of East Palm Canyon Plaza, West of the Perez Road extension, East of Canyon Plaza.
APN# 687-030-010 and 074
Negotiating Parties: Redevelopment Agency, Cathedral City Properties, LLC and O'Brien Hyundai
Property Owner: Desert Hills Mobile Home Park
Under Negotiation: Disposition of property
7. CONFERENCE WITH REAL PROPERTY NEGOTIATOR pursuant to Government Code Section 54956.8. (**James Cleary**)
Property Location: Whitewater Neighborhood: 680-393-006; 680-393-005; 680-393-004; 680-393-003; 680-393-002; 680-393-001; 680-404-001-0002, 003, 004, 005, 006, 007, 008; 680-393-009; 680-393-008; 680-393-007; 680-394-004; 680-394-001;

680-405-001-002,003, (**Moreno Road, Ocatillo Road, Via De Anza and Ortega Road**)

Negotiating Parties: Redevelopment Agency & Property Owners
Property Owners: Grimshaw Sales and Distribution; Clare Stratton; Emerson & Evelyn, Virginia Vaughn; Donald & Byers, Lillian Dempsey; Robert Jacobs; Ernest & Hamby, Patricia Pearson; Ester Hoffman; Peter Zarenejad; Jose Torres; Helen Gallucci; Coachella Valley Water District; Newport Homes; Jesus Razura; Floyd Vail.
Under Negotiation: Property Acquisition

8. CONFERENCE WITH REAL PROPERTY NEGOTIATOR pursuant to Government Code Section 54956.8. (**Charlene Sumpter**)
Property Location: North side of East Palm Canyon Drive, West of Monty
Negotiating Parties: Redevelopment Agency and Palm Canyon Partners
Property Owner: Redevelopment Agency
Under Negotiation: Real property negotiations
9. CONFERENCE WITH REAL PROPERTY NEGOTIATOR pursuant to Government Code Section 54956.8. (**Paul Shillcock**)
Property Location: Extreme southern end of Perez Road
APN# 687-460-019
Negotiating Parties: Redevelopment Agency and Mr. Don Steward
Property Owner: Redevelopment Agency
Under Negotiation: Disposition of Property
10. CONFERENCE WITH REAL PROPERTY NEGOTIATOR pursuant to Government Code Section 54956.8. (**Paul Shillcock**)
Property Location: Date Palm Drive and Whitewater River Wash.
APN#s: 674-020-011 and 674-020-009
Negotiating Parties: Cathedral City Redevelopment Agency and Barbara Gonzales-Lyons
Property Owners: Barbara Gonzales-Lyons
Under Negotiation: Lease Agreement and acquisition of land

CLOSED SESSION ANNOUNCEMENTS

Deputy City Attorney Green advised there were no announcements out of Closed Session, however, at the end of this meeting the Council will again go to closed session. to complete the Closed Session Agenda..

PUBLIC COMMENTS

Bill Cohen – Cathedral City. Mr. Cohen tells about the need for more COPS and that he has T-shirts to sell. Also Mr. Cohen expressed his concern for Bill Beck, owner of the Red Tomato and House of Lamb. He advised that he had taken his wife there for dinner

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on her 83rd Birthday and many people have been incorrectly informed that the Restaurant has been sold or that Mr. Beck has gone out of business. Neither are true and business is as usual in this restaurant. He feels Mr. Beck does not deserve this kind of 'poor press'.

Ester Carbanco – Cathedral City. She advised that she knew it was election time when she received a newsletter from Mr. Pettis. She moved to Cathedral City in 1997 and she wrote a letter to Council and it was never answered. She had never gotten a reply to any letter she wrote, and now she had a letter hand delivered to City Hall and she hopes she gets an answer. Mayor Stettler advised that if it was the letter he was thinking of, he was told that she wanted to remain anonymous. Ms. Carbanco responded that she had wished to remain anonymous, but that was no longer the case.

Sonja Marchand – Cathedral City. She is here as the President of the HOA #5 at Cathedral Canyon Country Club. She is very concerned about AB2598 written by Assemblyman Steinberg in regard to Common Interest Developments. She feels that many of the HOA Associations may go bankrupt if this bill passes. It has huge consequences.

Pat Cooper – Field Representative from Senator Ducheny's office. She brought a hand out to share with council with regards to a number of Senate Bills the Senator has worked on, information about the Enterprise Zone in the City of Coachella, and restoration updates about the Salton Sea.

Greg Wetmore – Rancho Mirage – Mr. Wetmore is President/CEO of the Cathedral City Chamber of Commerce. He wanted to remind everyone of the State of the City Luncheon at the Doral Hotel on June 3rd. Also the date for the Business Economic Business Expo which is October 5th and will be held in conjunction with a Merchants Madness, stay tuned. Kathy Buda, the Chamber Secretary, who recently lost her husband had kind words for the Fire Department Paramedics that assisted with her husband.

Mary Drury – Southern California Edison – Ms. Drury introduced Lin Juniper, a new Regional Manager Public Affairs for Southern California Edison.

Robert Marchand – Cathedral City. Mr. Marchand is Chairman of the Public Arts Commission and wanted to remind us of the Concert that is being put on by Lalo Guerrero here in Council Chambers on May 23rd. The Public Arts Commission is dedicating a display of some of the Outstanding Awards that Mr. Guerrero has received over the years. The display is in the lobby of the Council Chambers.

Seeing no one else wishing to speak, Mayor Stettler closed Public Comments.

AGENDA FINALIZATION

There were no changes to the Agenda.

COUNCIL COMMENTS

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Mayor Stettler advised that there was going to be considerable congestion as the CVWD moved from Cathedral Canyon directly into the intersection at Dinah Shore Drive and if at all possible, you may want to take a detour.

Chief Henry advised that Saturday the 15th of May was National Law Enforcement Day and the Police Department was going to be celebrating their 20th Anniversary. There will be a display of equipment, tours of the Police Station, and a Bar-B-Q for all to enjoy. Time 10 a.m. to 1 p.m. and there is no cost.

The Mayor reminded everyone of the Boys and Girls Club event on Saturday evening May 15th, and advised that he would be out of town.

Council Member Marchand gave Kudos to Tami Scott, Finance Director, on her most impressive 'working copy' of the budget documents presented this afternoon in Study Session.

Council Member DeRosa said that several years ago she had the pleasure of meeting a student named Samantha DeRosa. There is no relationship what so ever. Tonight Martin Silva is not here to report due to his attendance at the Golden Lion awards, where Samantha DeRosa is receiving an award.

Council Member England reminded everyone of the Fund Raiser for the Friends of the Cathedral City Library being held at the Trump 29 Casino, the cost of tickets to this event is \$15 and you can buy a ticket at the Library.

MINUTES

Council Member Marchand moved approval of the Minutes with one correction (3rd paragraph under ROLL CALL, "Council Member **Marchand**" (name omitted) from the regularly scheduled City Council/RDA Board meeting held on Wednesday, April 28th, 2004, motion seconded by Council Member England, motion carried 4-0-1 as Mayor Pro Tem abstained due to his absence from the April 28th meeting.

SCHOOL REPORTS

Vivian Enriquez, student representative from Cathedral City High School was with us this evening. Martin Silva was not in attendance due to the Golden Lion Awards. Ms. Enriquez is very excited about graduation which is just 16 days away. She reported on the end of the Swim Team Season, the upcoming Prom, her recent trip to Washington D.C., and many other events. She will be attending Cal State Fullerton in the fall.

PRESENTATIONS AND PROCLAMATIONS

Mayor Stettler presented a Proclamation to Patty and Arthur Newman recipients of the Ambassador Leonard K. Firestone Award of Merit.

Council Member DeRosa presented a Proclamation commemorating Cathedral City's Police Department 20 year anniversary to Police Chief Stan Henry.

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Council Member Marchand presented a Proclamation declaring the month of May as West Nile Virus Awareness Month to Don Gonsi from the Mosquito and Vector Control Agency.

Mayor Pro Tem Pettis presented a Proclamation declaring the month of May as Veterans Appreciation Month to Joe Aguayo from the State Employment Development.

Council Member England presented a Proclamation declaring the month of May as Mental Health Month to Terry Marchia from the Desert Mental Health Board.

CONSENT AGENDA

Council Member/RDA Board Member Marchand moved approval of the Consent Agenda, motion seconded by Council Member England, motion carried 5-0

1. Received and filed demands in the aggregate amount of \$ 2,655,795 for the month of April, 2004 **by Minute Order # 3700 and Minute Order # R-989.**
2. Approved a Memorandum of Understanding (MOU), effective July 1, 2004, between the City of Cathedral City and the Coachella Valley Association of Governments (CVAG), allocating a portion of Cathedral City's AB2766 Motor Vehicle Registration Fees to the Coachella Valley Association of Governments for use in the PM10 Air Quality Program **by Minute Order 3701.**
3. Approved a proposed resolution approving the submission of a grant application to the California State Department of Parks and Recreation Off-Highway Motor Vehicle Division for the 2004-2005 funding cycle **by Resolution No. 2004-29.**

PUBLIC HEARINGS

4. Proposed ordinance of the City Council for the City of Cathedral City amending the Cathedral City Municipal Code to adopt and regulate speed limits and a speed survey for and in the City of Cathedral City.

Public Comments were opened and closed without comment.

Council Member Marchand moved to continue this item to the May 26th 2004 Council Meeting, motion seconded by Council Member England, motion carried 5-0 **by Minute Order 3702.**

5. Tentative Parcel Map 32118: A request to subdivide an approximate parcel into a single lot and a remainder parcel, located on the Southwest corner of Date Palm Drive and 30th Avenue, in the Planned Community Commercial (PCC) Zone.

Mayor Stettler opened Public Comments.

Bill Proctor – Cathedral City. Asked which end of the property and what will be there? Matt (name inaudible on tape) the representative of the developer, said that there will be a Walgreens on that corner.

Council Member Marchand moved approval, motion seconded by Council Member England, motion carried 5-0 **by Resolution No. 2004-30.**

LEGISLATIVE ACTION(S)

6. Request for approval to award contract to Clean Streets Inc., to clean minor arterial and residential streets in Cathedral City.

There was a lengthy report given by Bill Bayne, Interim City Engineer, explaining where the funds were coming from for this action, and that the cove was not covered in this action. He also advised that the money we have will last about two years for street sweeping.

Mayor Stettler opened Public Comments.

Bill Cohen – Cathedral City. Why exclude the cove? They would like their streets cleaned also. He is not happy about that.

Greg York – Cathedral City Panorama – He would like to see fewer streets swept and that we stretch out the money for a longer period of time.

Janet Malakowski – Cathedral City. Accolades to Bill Bayne and staff, she would like to see services like this for the Cove.

Donna Brown – Cathedral City – Just wanted to say thanks.

Mayor Stettler closed Public Comments.

Mr. Bayne answered a number of questions from Council.

Council Member Marchand moved approval of this contract, motion seconded by Council Member England, motion carried 5-0 **by Minute Order # 3703.**

7. Approval of resolution of intention to initiate formation and authorize balloting for the proposed Century Park Landscape and Lighting District. (LLD No. 16) (Donald Bradley)

Report by City Manager Donald Bradley. This proposed assessment includes 599 of 601 properties in the Century Park Area. The assessment, if passed by the property owners would be in the amount of \$156.82. This

is less than what was originally proposed. The City will be pick up some of the one time costs and also provide approximately \$20,000 more to change landscaping on medians as to reduce the watering necessary. If passed tonight the ballots will go out in the next several days, and the property owners will have 45 days in which to respond. It requires a majority vote of those choosing to vote. There was a question about Zone 6 who are already paying a fee of \$141.94. If this vote passes, they would be absorbed into the new LLD (Zone 16) and would pay an additional \$14.88 making their assessment the same as Zone 16.

Mayor Stettler opened the floor to Public Comments.

Bruce Williams – Cathedral City. In favor of this. He doesn't use the park but feels it is important for the city. He would like to see some built in checks and balances so that we don't pay what we don't have to when city gets in better financial shape.

Roger Joles – Cathedral City. Mr. Joles has sold real estate in Cathedral City for 14 years. Mr. Joles said the city is not wasting money, he thinks this is fair to turn on the water in the Park. He did have one question, he wanted to know why the city couldn't hire an outside contractor to do the Parks rather than pay city staff. Mr. Bradley responded that the city could go out to bid to a contractor, but the subject at hand is raising money

Pam Herron – Cathedral City. Ms. Herron is a member of the opposition and doesn't want to pay for a public park – she would like to see this split out. She doesn't think this LLD will pass.

Shilo Hurling Cathedral City. He is in favor of this for street lights and maintenance..

Don Hair- Cathedral City. Mr. Hair is a member of the steering committee for Century Park, and asked Council to please approve the resolutions so we can let the residents decide.

Janet Malakowski – Cathedral City. Ms. Malakowski was upset about comments about not wanting to pay for a "public park", we are civilized and this is a reflection of what we are about.

Council Member Marchand moved adoption of the following three resolutions, motion seconded by Council Member England, motion carried 5-0 **by Resolution No. 2004-31**, declaring its intention to order approval of the formation of the Street Lighting and Landscaping Maintenance District No. 1, Benefit Zone 16 (Century Park), to levy and collect assessments within such district, declaring its intention to conduct a property owner balloting on the matter and appointing a time and place for hearing protests for fiscal year 2004-2005; **2) Adopted Resolution No. 2004-32** Approving the Engineer's Report for fiscal year

2004- 2005, for the Street Lighting and Landscaping Maintenance District No. 1, Benefit Zone 16 (Century Park) and **3) Adopted Resolution No. 2004-33**, Initiating proceedings for the formation of the Street Lighting and Landscaping Maintenance District No. 1, Benefit Zone 16 (Century Park).

8. Approval of resolution of intention to initiate formation and authorize balloting for the proposed Panorama Park Landscape and Lighting District (LLD No. 17)

There was a short report given by Donald Bradley, City Manager. This item is like the previous item, but for the Panorama neighborhood, which is bounded Date Palm, Vista Chino, Landau, and 30th Street. The average assessment is proposed as \$47.64

Mayor Stettler opened the floor to Public Comments.

Leticia Quezala – Cathedral City. She feels it is important to have this approved. City not asking residents to pay it all. She would like to see it amended to include an oversight committee. She feels we need to maximize our opportunities.

Donna Brown – Cathedral City. We need to do something. In favor of the LLD, doesn't like the negative remarks.

Fred Bell – Cathedral City. Mr. Bell thanked the Council Members for their input, and also city staff. People do not understand the importance of protecting their community. It is difficult to move forward – people with miss-information, people don't trust the government, and don't trust core City government, they have communications issues. He suggested calling upon Coachella Parks and Recreation District, the budget committee, and a communications committee. He feels we need to deal with the large issues.

Jeff Berzon – Cathedral City. Part of the Steering Committee and in favor of the LLD.

Ed Nickerson – Cathedral City. Please pass this and give the residents a chance to vote on this.

Ron Sellin – Cathedral City. In favor of this, concerned about blight, blight

Craig Bernard – Cathedral City. He owns Craig's Landscaping. He feels the situation at the park is urgent and offers his services in technical support. He has a BS in horticulture and is willing to help.

Lucy Torres – Cathedral City. Has lived here 14 years, while she understands about the city and money, it is very green and nice outside

City Hall and she hopes the Council will support this.

Janet Malakowski – Cathedral City. Convinced Council will support and she hope the residents do.

Mayor Stettler closed the Public Hearing.

Council Member Marchand said he was grateful for the scores of people Getting involved, it has taken a while to realize we have to invest in ourselves.

Mayor Pro Tem Pettis commented that a potential oversight committee might be an extension of the current Parks and Recreation Committee.

Council Member Marchand moved adoption of the following three resolutions, motion seconded by Mayor Pro Tem Pettis, motion carried 5-0 **by 1) Adopting Resolution No. 2004-34**, declaring its intention to order the approval of the formation of Street Lighting and Landscaping Maintenance District No. 1 Benefit Zone 17 (Panorama Park), to levy and collect assessments within such district, declaring its intention to conduct a property owner balloting on the matter on new assessments and appointing a time and place for hearing protests for fiscal year 2004-2005; and **2) Adopting Resolution No. 2004-35**, preliminarily approving the Engineer's Report for fiscal year 2004-2005, for the Street Lighting and Landscape Maintenance District No. 1, Benefit Zone 17(Panorama Park); and **3) Adopting Resolution No. 2004-36** initiating proceedings for the formation of Street Lighting and Landscape Maintenance District No. 1, Benefit Zone 17 (Panorama Park)

9. Proposed resolution of the City Council for the City of Cathedral City, authorizing the reprogramming of Community Development Block Grant (CDBG) in the amount of \$425,000 for purchase of the former cathedral City Library.

There was a brief report by Economic Development Manager Paul Shillcock.

Public Comments were opened and closed without comment.

Council Member Marchand moved adoption of the proposed resolution, motion seconded by Council Member England, motion carried 5-0 **by Resolution No. 2004-37.**

10. Approval for refinancing the allowable portion of the 1995 Tax Allocation Bonds for economic benefit to the agency and City of Cathedral City.

There was a brief report by Finance Director Tami Scott.

Public Comments were opened and closed without comment.

Council Member Marchand moved approval, motion seconded by Council Member England, motion carried 5-0 **by Minute Order # 3704.**

Hearing no further business to come before the Council, the meeting was adjourned to a Special Meeting of the Downtown Foundation at 9:22 p.m.

Council returned to the Regular Meeting at 9:31 and immediately moved to adjourn to Closed Session. There was no objection.

The Mayor reconvened the Regular Meeting at 9:56 p.m. Deputy City Attorney Charles Green announced there were no reportable items out of Closed Session.

Mayor Stettler adjourned the Regular City Council Meeting in memory of Nicolas Berg, an American Contractor who was murdered in Iraq, at 9:57 p.m.

Pat Hammers, City Clerk